

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN  
EAU CLAIRE DIVISION**

**PATRICK PIZZELLA**,<sup>1</sup> Acting Secretary  
of Labor, United States Department of Labor,

Petitioner,

v.

**CHARLES BOWERS**, an individual,  
**DONNA K'S BAR AND FAMILY  
DINER LLC**, a Wisconsin company,  
and **LOST AT DK LLC**, a Wisconsin  
company.

Respondents.

Civil Action No.: 3:18-cv-00949

**ACTING SECRETARY'S NOTICE OF RESPONDENTS' "ACCEPTABLE" RESPONSE  
TO THE ACTING SECRETARY'S SUBPOENA DUCES TECUM**

Petitioner Patrick Pizzella, Acting Secretary of Labor, United States Department of Labor ("Secretary"), by counsel, submits this *Notice* in the above-captioned matter.

1. The Secretary is conducting an ongoing review of Respondents Charles Bowers, Donna K's Bar and Family Diner LLC, and Lost at DK LLC's ("Respondents") compliance with the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA"), including Respondents' compliance with FLSA's minimum wage, overtime, and record-keeping provisions.
2. In connection with the Secretary's review of Respondents' FLSA compliance, on February 21, 2019, this Court ordered Respondents to comply with the Secretary's subpoena by producing several categories of documents within ten days of service of the Court's order on Respondents. (Dkt 9)
3. On July 3, 2019, this Court issued an Order for Charles Bowers to appear before the

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<sup>1</sup> By operation of law, Patrick Pizzella is substituted *sub nom.* for former Secretary of Labor, R. Alexander Acosta. *See* Fed.R.Civ.P. 25(d)

Court and Show Cause why he and Lost and DK should not be held in civil contempt for disobedience with the Court's prior February 21, 2019 order. (Dkt 17)

4. Subsequently, Charles Bowers produced more documents to the Secretary responsive to the Secretary's subpoena, and also stated he never filed or attempted to file 2017 tax returns for Lost at DK LLC, and, in essence, that no such tax documents exist.
5. Therefore, pursuant to the Court's July 3, 2019 Order, the Secretary submits this notice to inform the Court that Charles Bowers has provided an "acceptable" response to the Secretary's Subpoena *Duces Tecum*, and requests the hearing set for August 22, 2019 be removed from this Court's calendar.
6. The Secretary will serve a copy of this Notice on Charles Bowers via email at [lostatdkllc@gmail.com](mailto:lostatdkllc@gmail.com).

Respectfully submitted,

**KATE S. O'SCANLAIN**  
Solicitor of Labor

**CHRISTINE Z. HERI**  
Regional Solicitor

s/ Lindsey Rothfeder  
**LINDSEY ROTHFEDER**  
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